

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JAIPUR BENCH, JAIPUR

## ORDER

S.B. CRIMINAL MISC. BAIL APPL. NO.7690/2006  
Prabhu & Ors. V. THE STATE OF RAJASTHAN

Date of order :: December 22, 2006

PRESENT  
HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr.Mahesh Gupta with  
Mr.Manoj Choudhary, for the applicants.  
Mr.R.P. Kuldeep, PP for the State.

This is a bail application under Section 439 Cr.P.C. arising out of FIR No.60/2006 registered at Police Station Kela Devi, District Karauli for the offence under Section 147, 148, 149, 323, 302 IPC.

Heard learned counsel for the applicants as well as the learned Public Prosecutor and perused the material / case diary made available to me during the arguments of the case..

The submission of counsel for the applicants is that all the applicants are family members and fatal injury was caused by Giraj. Giraj also died three days thereafter and only the simple allegations are against the applicants. Counsel for the applicants submits that they are in jail since 24.8.2006 and the challan has also been filed. Now their presence is not required for any investigation and no recovery is to be made by the police.

Learned Public Prosecutor has opposed the bail application and submitted that offence is of serious nature, therefore, it is not a fit case for grant of bail.

Without expressing any opinion on the aforesaid submissions on merits and demerits of the case and taking into consideration the entire facts and circumstances of the case, I am inclined to grant bail to the applicants.

It is, therefore, ordered that applicants (1) Prabhu (2) Kalyan (3) Hari (4) Ram Phool, all are sons of Girdhar (5) Mohal Pal S/o Prabhu shall be released on bail, provided they furnish a personal bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) together with two sureties in the sum of Rs.15,000/- to the satisfaction of the learned trial court for their appearance before that Court as and when called upon to do so during pendency of the trial against them arising out of FIR No.60/2006 registered at Police Station Kela Devi, District Karauli.

(PREM SHANKER ASOPA) J.

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